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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,554	10/10/2001	Markus Lindqvist	4208-4026	7197

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EXAMINER

TRAN, ELLEN C

ART UNIT PAPER NUMBER

2134

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,554

Applicant(s)

LINDQVIST ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: amendment filed 13 October 2005 with recognition of a filing date of 10 October 2001.
2. Claims 29-31 are currently pending in this application. Claim 29 is an independent claim.

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 have been considered but they are not found persuasive.

With respect to applicant's argument beginning on page 2, Applicant's election with traverse, Group VII (Claims 29-31). The traversal is on the grounds 'that the Office has not shown: that the invention must be independent or distinct and a serious burden on the examiner'. This is not found persuasive because the burden is caused by the different aspects of providing content, In the instant case, invention (I) has separate utility such as a method of managing access rights with keys and encryption; invention (II) has separate utility such as content level filtering of incoming data; invention (III) has separately utility such as bandwidth allocation with specifications on quality of service; invention (IV) has separate utility such as wireless link with classification of the type and format of data transferred; (V) has separate utility such as a user voting mechanism; (VI) has separate utility such as sequence of transmission ordering in relation to user selection; (VII) has separate utility such as wireless distribution with local and global service providers. In addition the invention shows this distinction by the independent claims themselves which all claim a separate invention. The search required for each group would not

be required for the other group.

The requirement is still deemed proper and is therefore made FINAL.

In response to applicant's argument beginning on page 3, "Applicants respectfully submit that Feinleib fails, for example to disclose, teach or suggest: "... one or more global caster modules for receiving content meant for distribution to all location in a network; [and] one or more local caster modules for receiving content meant for distribution to only certain locations in said network ..." as set forth in the claim (emphasis added)". The Office disagrees with the argument and interpretation of Feinleib. Feinleib discloses delivering streaming and enhanced content to multiple locations in a network from one provider, see paragraph 0026 "One way is for the same provider to deliver both forms of content directly to the clients over the same distribution network". In addition Feinleib discloses local caster modules for receiving content meant for distribution to only certain locations in paragraph 0028 "Still another way is for content provider to deliver its content to an intermediary broadcast center, which broadcasts the content to clients. This third approach is represented by either content provider 22(1) or 22(2) delivering packets to a broadcast center 30, which converts network data packets to broadcast packets and broadcast the packets over a broadcast medium 32 to clients 24(3) and 24(4)". Note 24(3) and 24(4) would be the "only certain locations"; this is further explained in the reference the Client Software Architecture see paragraphs 0068 through 0075 which discusses the various filters and correlation that occurs with the data received.

In response to applicant's argument beginning on page 4, "However, Applicants respectfully submit that Feinleib fails, for instance, to disclose, teach, or suggest the "streaming content" as being meant for distribution to all locations, and the "enhancing content" as being

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meant for distribution to only certain locations, and instead discusses the “streaming content” and the “enhancing content” as being meant for the same clients”. The Office disagrees with argument and the limited interpretation of Feinleib. Feinleib discloses sending both streaming content and enhancing content to multiple clients. In addition Feinleib discloses providing the enhancing content from either the same network provider or another distributor as discussed above. Feinleib also provides numerous examples how this enhanced content could be distributed, via multicast, through an Intranet, or downloaded in advance by a client. Furthermore Feinleib discloses utilizing triggers filters to correlate what enhancements the customer would receive.

In response to applicant’s argument beginning on page 5, “Further, Applicants respectfully disagree with the Office Action’s apparent characterization of the disclosure of the present application as indicating the “content meant for distribution to only certain locations in said network” as set forth in claim 29 to be equivalent to the “enhancing content” of Feinleib”. The Office disagrees with argument and the interpretation, the portion of Feinleib that teaches “content meant for distribution to only certain locations” is shown in paragraph 0028 noted above. This concept is further expanded in paragraphs 0068-0075, which discuss how filters are applied to the enhanced content. Specifically paragraph 0071 describes how enhancement announcements are passed through one or more filters 76, which examine each announcement for a match against a list of programs in which the user is interested, or against other types of predefined rules of acceptance”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by *Feinleib et al.* U.S. Patent Application Publication No. 2005/0028195 (hereinafter ‘195).

As to independent claim 29, “A system for distribution of content over a wireless link, comprising” is taught in ‘195 page 2, paragraph 0029

“one or more global caster modules for receiving content meant for distribution to all locations in a network” is shown in ‘195 page 2, paragraphs 0026-0028 and FIG. 1 (The global caster modules are interpreted equal to content provider server);

“one or more local caster modules for receiving content meant for distribution to only certain location in said network; and” is disclosed in ‘195 page 2, paragraph 0023 (Note it is interpreted in light of the specification that “the content meant for distribution to only certain location in said network” is meant for the user of enhancing content that is sent to a multicast address);

“one or more transmission devices associated with at least one of the modules” is taught in ‘195 page 1 paragraphs 0012-0013 and page 2, paragraph 0029.

As to dependent claim 30, “one or more broker modules, each broker module receiving content from at least one local caster module and at least one global caster module” is shown in ‘195 page 2, paragraph 0026.

As to dependent claim 31, “each of said one or more transmission devices is associated with one or more of said broker modules” is disclosed in ‘195 page 2, paragraph 0027.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
28 December 2005


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